

- **375-5-2-.02 Definitions. Amended.**

(1) Words, whenever used in this Chapter, shall have the same meaning as ascribed to them in Title 43, Chapter 13 of the Georgia Code, unless otherwise defined in the rule of which they are part.

(2) Motor Vehicle - Every vehicle which is self-propelled or by which any person is or property may be transported or drawn upon a public highway except devices used exclusively upon stationary rails or tracks.

(3) Driver Training School - Any person, partnership, limited liability company, or corporation, giving driving instruction to ten (10) or more persons per calendar year for the purpose of assisting such persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state, except for motorcycle operator safety training programs conducted by or on behalf of the ~~Department of Motor Vehicle Safety~~ **Department of Driver Services** pursuant to Chapter 15 of Title 40. **The term shall also include any public school system offering a driver training course during the regular school day as part of a student curriculum at no cost to the student. Term shall not include hospitals and state licensed rehabilitation centers offering a deliver training course for the purpose of rehabilitating persons to maintain or obtain a Class C license; provided, that such facilities shall file a prescribed memorandum of understanding with the Commissioner.**

**(4) Limited Driver Training School – Any person, partnership, limited liability company, or corporation, giving driving instruction to ten (10) or more persons per calendar year by offering a for-hire defensive driving safety course for the purpose of training to assist persons to obtain a Class C of Class M license through means of behind-the-wheel training, simulator training, of offering a defensive driving course consisting of less than 30 hours of classroom and six hours of behind-the-wheel training.**

**(5) Temporary Driver Training Permit – Any person, partnership, limited liability company, or corporation, which offers occasional driving instruction to ten (10) or more persons per calendar year by offering a for-hire defensive driving safety course for that does not maintain permanent classroom located within the state.**

~~(4)~~**(6)** Person - Every natural person, firm, partnership, limited liability company, corporation, association or school. The term “school” shall not apply to colleges conducting a driver training program.

~~(5)~~**(7)** Department - The ~~Georgia Department of Motor Vehicle Safety~~ **Georgia Department of Driver Services** acting directly or through its duly authorized officers or agents.

~~(6)~~**(8)** Distance Learning - Means the use of satellite or cable narrowcast technology to create two-way, interactive learning environment in which an instructor may simultaneously present instruction in multiple classrooms. The school is responsible for ensuring that students at all locations may clearly view the instructor and any visual aids or films used by the instructor, may comment to or ask questions of the instructor. The school is also responsible for providing a proctor at a location used for distance learning to fulfill the school's obligations under these rules and regulations with respect to students.

(7)(9) Proctor - A proctor serves as the school's representative at a location used for distance learning. The proctor is responsible for ensuring that all responsibilities of the school with respect to the students are fulfilled at the location. The proctor may be a licensed instructor of the school; if not, the proctor must be a high school graduate or possess a GED, be at least 18 years of age, and not have been convicted of a felony or any other crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law, unless he or she has received a pardon and can produce evidence of same.

(8)(10) Driver License Examiner - Any person appointed by the ~~Department of Motor Vehicle Safety~~ **Department of Driver Services** for the purpose of administering driver license examinations.

(9)(11) Driver Training Instructor - Any person, whether employed by a driver training school, **limited driver training school**, or operating in his or her own behalf, or whether acting in behalf of any school located within or outside the State of Georgia, who gives driving instructions for the purpose of assisting persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state at a driving training school, **limited driver training school**, whether such instruction is theoretical or practical or both.

(10)(12) Driver Training Program - That series of courses developed or approved by the ~~Department of Motor Vehicle Safety~~ **Department of Driver Services** for the purpose of assisting persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state to include, but not limited to a thirty (30) hour classroom and six (6) hours of actual behind the wheel instruction; **classroom instruction; behind-the-wheel instruction; instruction by means of simulation training; defensive driving, distance learning, or virtual drivers training courses approved by the Department.**

(11)(13) Suspension - The privilege to operate a driver training school or to instruct (as provided in these regulations) is temporarily withdrawn by formal action of the department, which temporary withdrawal shall be for a period specifically designated by the department.

(12)(14) Revocation - The privilege to operate a driver training school or to instruct (as provided in these regulations) is terminated by formal action of the department, which privilege shall not be subject to renewal or restoration, except that an application for a new license may be presented to and acted upon by the department after the expiration of the applicable period of time prescribed by the department. A revocation shall be for a period of at least one (1) year or indefinitely.

(13)(15) Cancellation - A license previously issued to or presently held by a person, firm, partnership, corporation, association, or school is terminated by the Department because of some error or defect in the license or because the licensee is no longer entitled to such license. The cancellation of a license is without prejudice, and application for a new license may be made at any time after such cancellation.

(14)(16) Applicant - The owner of a sole proprietorship, the partners in a firm, partnership or association or the controlling stockholders of a corporation, the principal, or designated representative of a secondary school.

(15)(17) Controlling Stockholders - All stockholders of any corporation, public or private, owning more than ten percent (10%) of the outstanding shares in such corporation.

~~(16)~~**(18)** Passenger type vehicle - Any vehicle that requires a class C noncommercial driver's license.

~~(17)~~**(19)** Motorcycle - Any vehicle that requires a class M driver's license.

~~(18)~~**(20)** Fine – means the use of a pecuniary punishment of up to \$1,000 for each violation of the Rules and Regulations.

~~(19)~~**(21)** Certificate of curriculum approval - means a certification issued by the Department authorizing the use of a specific curriculum by a driver training school. The certification shall expire on the same date as the driver training school license.

~~(20)~~**(22)** Certificate of Completion – means a certificate prescribed by the Department and issued by a licensed driver training school to all students who successfully complete thirty (30) hours of classroom and six (6) hours of behind the wheel training.

~~(24)~~**(23)** Simulator – means a driving apparatus that is designed as a learning tool to replicate actual driving conditions using various driving environments and situations.

**(24) Limited Certificate of Completion – means a certificate prescribed by the Department and issued to all students who successfully complete a driver training course consisting of less than thirty (30) hours of classroom and six (6) hours of behind the wheel training.**

**(25) Virtual driver training course – means a web based course of instruction approved by the Department that provides a minimum of thirty (30) hours of on line instruction that must include training in controlling of vehicles, basic vehicle maneuvers, signs, roadway markings, driving in urban, rural, expressway and adverse conditions, maintaining the vehicle, alcohol and other drugs while driving, state insurance and Department licensing requirements.**

Authority O.C.G.A. §43-13-1, *et seq.*

- Paragraph (3) includes the term public school system offering driver education at no cost and provisions for hospitals and rehabilitation centers offering driver training courses will only be required to file an MOU with the department
- Paragraph (4) - provides a definition for a limited driver training school
- Paragraph (5) provides for a temporary driver training permit
- Paragraph (7 and 10) changing Georgia Department of Motor Vehicle Safety to Georgia Department of Driver Services
- Paragraph 11 adding limited driver training school
- Paragraph 12 changing Georgia Department of Motor Vehicle Safety to Georgia Department of Driver Services and expanding the definition of driver training program;
- Paragraph 24 adding a provision for a limited certificate of completion
- Paragraph 25 providing definition of a virtual driver training course

- **375-5-2-.03 Procedures for Original Driver Training School License. Amended.**

(1) Before any original license may be issued to any person for a driver training school **or limited driver training school** to operate in the State of Georgia, an application shall be made in writing to the Department, on a form prepared and furnished by the Department, which shall include a statement showing:

(a) The title or name of the school together with complete ownership and names and addresses of directors, officers and controlling stockholders therein.

(b) The specific curriculum of instruction that will be offered by the school.

(c) The principal place of business and other locations where instruction will be provided that may include; behind the wheel instruction, utilization of simulators, range, road, and road test.

**(d) Virtual driver training programs may have a principal place of business located outside the state.**

~~(d)~~ **(e)** A statement that the owners of the driver training school **or limited driver training school** are twenty-one (21) years of age or over.

(2) The applicant must submit a certified copy from the clerk of the appropriate Superior Court evidencing the registration of a business or trade name if the business is to be conducted under such a trade name in lieu of the name of the corporation, person, partnership, or other entity, which owns such driver training school.

(3) The application by the owner, partners, officers or controlling stockholders of any driver training school **or limited driver training school** shall be accompanied by one (1) 2 X 2 photograph of the applicant(s). The photograph shall be taken within thirty (30) days of the date of filing the application. The photograph must show a full view of the face, neck, shoulders and uncovered head.

(4) The applicant must submit a notarized certification of the adopted business name if such business is to be conducted under an adopted business name.

(5) The applicant must submit to the Department, in addition to all other requirements, the following:

(a) Samples of any and all contracts to be used by the school.

(b) Sample copies of all forms to be used by the school that will be furnished or delivered to its students.

(c) Sample copies of all forms of receipts to be used by the school.

(d) A list designating the full names and addresses of all instructors of the school.

**(e) Virtual driver training programs must submit full names, addresses and e-mail contact for all program administrators.**

(6) The application by the owner, partners, officers or controlling stockholders of any driver training school shall be accompanied by two (2) sets of fingerprints of each digit of the right and left hands, an affidavit from a state, county, or city officer qualified to make such fingerprints that the fingerprints are those of the applicants, and an executed consent for background investigation form, and the processing fee for the actual cost of processing for each set fingerprint cards.

(7) **Limited driver training schools shall be required to obtain a limited license as a driver training school.**

**(8) Temporary driver training permit:**

**Any person, partnership, limited liability company, school or corporation may obtain a temporary driver training permit for a period of seven (7) consecutive days beginning and ending on the dates specified on the face of the permit. Temporary driver training permits shall be obtained by entities which offer occasional driver training instruction that do not maintain a permanent classroom located within the state and comply with the following:**

**(a) The fee for each temporary driver training permit shall be \$100.00 per week and \$25.00 for each vehicle.**

**(b) No temporary driver training permit shall be issued without the commissioner having first received satisfactory proof that the applicant meets the insurance requirements as defined in O.C.G.A § 43-13-4.**

**(c) Applicant must meet all vehicle and safety requirements as set forth in the rules and regulations of the commissioner.**

**(d) A temporary driver training permit shall be displayed in a conspicuous location at any time instruction is being given and a copy of such permit shall be located in each vehicle that is registered for the purpose of providing instruction.**

Authority O.C.G.A. §43-13-2 (3).

- Paragraph (1) language added for limited driver training school
- Paragraph (1d) provision added for virtual programs may have a principal place of business located outside the state
- Paragraph (3) language added for a limited driver training school
- Paragraph (4e) virtual programs must provide information for all program administrators
- Paragraph 7 limited driver training schools are required to obtain a license
- Paragraph 8 provides requirements for temporary driver training permit, fees and length of permit

- **375-5-2-.04 License Fees. Amended.**

(1) Every application for a driver training school license and limited driver training school must be accompanied by a fee of \$25.00 by money order, certified or cashier's check payable to the ~~Georgia Department of Motor Vehicle Safety~~ Georgia Department of Driver Services. Such fee shall be non-refundable.

(2) All application fees must be paid by certified check or money order, payable to the ~~Georgia Department of Motor Vehicle Safety~~ Georgia Department of Driver Services, and attached to the application form.

O.C.G.A. §§43-13-4, 43-13-8.

- Paragraphs (1) and (2) changed name from Georgia Department of Motor Vehicle Safety to Georgia Department of Driver Services (HB 501, 2005 Legislative Session) and provides for a limited driver training school license. HB 1252, 2006 Legislative Session.

- 375-5-2-.05 Expiration of License. Amended.

Each license for a driver training school, **limited driver training school** and each instructor's license shall expire four years from date of issuance. Each such license must be renewed every four years in the manner prescribed by the Department.

Authority: O.C.G.A. §§ 43-13-3, 43-13-6, 43-13-8.

- **Language added to include limited driver training school**

- **375-5-2-.06 Nontransferrability.**

(1) Any license for a driver training school **or limited driver training school** shall be non-transferable. In the event of a change of ownership, except in the case of a corporation unless there is a sale of the controlling interest, application for a new license shall be made to the Department and the old license, as well as the vehicle registration cards, must be surrendered to the Department before another license can be issued to the new owner.

(2) The application for a new license shall be made in the same manner as for an original license for a driver training school **and/or limited driver training school**. The fees shall be the same as for an original license.

Authority: O.C.G.A. §43-13-8.

- **Language added to include limited driver training school**



**375-5-2-.07 Display of License. Amended.**

(1) The license must be clearly displayed in a conspicuous public location at all times in the principal place of business of the school.

**(2) Virtual driver training programs must clearly display name of business, principal place of business of the school and contact number on the virtual program website.**

~~(2)~~ (3) If either the license, instructor's license, or vehicle registration card issued pursuant to this Chapter is lost, mutilated, or destroyed, a duplicate will be issued by the Department upon receipt of an affidavit showing the following:

- (a) The date the license, or card was lost, mutilated or destroyed.
- (b) The circumstances of the loss, mutilation, or destruction.
- (3) The fee for a duplicate license or card shall be \$10.00.

Authority: O.C.G.A. §43-13-8.

- Paragraph 2 providing language to include virtual program information on virtual program website

- **375-5-2-.08 Changes of Officers or Address.**

(1) The Department must be notified in writing within ten (10) days of any change of address of the owner, partner, officer, principal or designated representative of a secondary school, or instructor of any driver training school **or limited driver training school**.

(2) The Department must be notified in writing within ten (10) days of any change of owner, partner, or officers, directors or controlling stockholders of any corporation or association holding a license, or any change in the principal or designated representative of a secondary school. In such case each new officer, director, controlling stockholder, or principal or designated representative of a secondary school must provide to the Department the same information as required for an original license application.

(3) Failure to notify the Department of such changes shall be grounds for immediate suspension or revocation of the school license or the imposition of a civil penalty.

Authority: O.C.G.A. §§43-13-7, 43-13-8.

- **Providing language for limited driver training school**

**375-5-2-.09    Renewal of License. Amended.**

(1)      Application for a renewal of the license for a driver training school, **limited driver training school** and/or vehicle registration card shall be made on a form prescribed and furnished by the Department. A fee of \$25.00 must accompany the renewal application by money order, certified or cashier's check payable to the ~~Georgia Department of Motor Vehicle Safety~~ **Georgia Department of Driver Services**. Such fee shall be non-refundable.

(2)      Renewal application forms (for school license and/or vehicle registration card) must be submitted to the Department not more than sixty days nor less than ten days preceding the expiration date of the license to be renewed.

(3)      Owners who allow their school's license to expire will not be permitted to operate the school under any condition during the period in which the license is in an expired state.

Authority: O.C.G.A. §§43-13-4; 43-13-6, 43-13-8.

- **Providing language for limited driver training school per HB 1252 and changing Georgia Department of Motor Vehicle Safety to Georgia Department of Driver Services per HB 501(2005 Legislative Session)**

- **375-5-2-.10 Location of School. Amended.**

(1) A branch office of any driver training school **and/or limited driver training school** shall be licensed in the same manner and subject to the same qualifications as the principal office of the school. **Paragraph (1) through (7) does not apply to a limited driver training school offering a virtual program only.**

(a) The fee for a license for a branch office shall be the same as required for any original application.

(b) Any location containing a classroom separate from the licensed facility shall be considered a separate branch office.

(2) No driver training school **and/or limited driver training school** shall not be located within 500 feet of any building or portion of any building that is used for the purpose of conducting examination for a driver license or for the issuance of a driver license.

(3) No billboard or other such public advertisement of a driver training school may be displayed within 500 feet of any building or portion of any building that is used by the Department for the purpose of conducting driver examinations or the issuance of driver licenses, unless such sign or advertisement existed prior to the Department establishing a new facility.

(4) Any school or classroom facility utilized for or approved for the purposes of a driver training school shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit is issued. The owner shall certify to the Department that the [specify facility] complies with the Act and its implementing regulations.

(5) (a) A licensed driver training school **and/or limited driver training school** that provides instruction via distance learning methods in a classroom of a secondary school, or approved driver training school classroom shall not be required to obtain a separate license for the use of that classroom; provided that prior notice must be given to, and approval granted by, the Department prior to the use of such a facility. Such approval will be considered only if requested by a licensed driver training school and/ **or limited driver training school** that has held a license in good standing for the preceding five years prior to the application.

(b) A classroom used for distance learning must be staffed by a licensed instructor or proctor at all times during the provision of instruction. The school must ensure that adequate equipment is provided at the remote site to enable students to view and hear the instructor and to enable the instructor to hear comments and questions from the students at the remote site. In the event the equipment ceases to function at any time, no further instruction may be provided at the remote site unless a licensed instructor is present to continue instruction in person. Only a licensed instructor may issue certificates of completion.

(6) If a licensed driver training school **and/or limited driver training school** closes a facility, the school must furnish 30 days' advance written notice of the closing to the Department. A copy of said notice shall be posted on the exterior door of the facility so as to be visible to the school's customers or students. Any license for that facility must be surrendered to the Department. Unused Certificates of Completion must be transferred to another school facility or

returned to the Department. Class rosters must be transferred to another school facility or submitted to the Department prior to the closure of the facility.

(7) All classrooms shall provide the necessary films, brochures and other printed and/or electronic materials to be used in providing all courses of instruction.

**(8) All Virtual Driver Training Programs shall provide a student workbook approved by the Department.**

~~(8)~~ (9) Driver Training Schools that provide classes of instruction via distance learning methods must also provide at the same location, six (6) hours of behind the wheel instruction by a licensed driver training school instructor.

**(10) Limited Driver Training Schools will not be required to comply with (9) above.**

Authority: O.C.G.A. §§43-13-4, 43-13-8.

- Paragraph 1 providing language for a limited driver training school and provision for exemption of virtual driver training programs from requirements of paragraphs 1 through 7 of Rule 375-5-2-10. Paragraph 2, 5a, 6, providing language for a limited driver training school
- Paragraph 8 adding language for virtual driver training programs shall provide student workbook in format approved by the Department
- Paragraph 10 provides that a limited driver training school will not be required to comply with paragraph 9

- **375-5-2-.11 Office Requirements. Amended.**

(1) A residence may not be used to provide classroom instruction or behind the wheel instruction, except when such residence meets all the qualifications of a school and provided that such operation is not in conflict with local zoning laws regulating commercial businesses and the residence has a separate public outside entrance for the driver training school, **limited driver training school** and a separate restroom facility.

(2) A driver training school **and/or limited driver training school** shall maintain an office in the following manner:

(a) The license of the school must be conspicuously displayed in a public location.

(b) The school shall permit authorized representatives of the ~~Department of Motor Vehicle Safety~~ **Department of Driver Services** to make periodic scheduled and unscheduled inspections of all school facilities. During such inspection, each owner, partner, associate, corporate director, officer, manager, or employee of the school shall cooperate with the Department's representatives and upon demand, shall exhibit all records or other documents that are required to be maintained by such school under this Chapter.

(c) The telephone must be used exclusively for the operation of the school.

(d) An indoor classroom, if required, must be enclosed in such a manner that interference by the general public will be minimized. Sufficient indoor space must be provided for the purpose of instruction, to include individual desks or table with chairs to accommodate students comfortably. Classes of instruction are limited to a maximum number of forty students per class unless the Department determines that the space is inadequate for that number of students. In those situations, the maximum number will be calculated on twenty square feet per student and instructor. The minimum square feet of an indoor classroom must be at least 250 square feet of useable classroom space.

(e) Each school shall be inspected by the respective municipal or county government to ensure that the facilities of such school are in compliance with fire, sanitation, and building requirements in force and effect at the time of the commencement of operations of such school at such location or with the requirements imposed thereafter in conjunction with modifications or improvements previously made to such facilities. Copies of such inspection reports shall be made available upon request to the Department. In addition, the Department shall inspect the designated office space prior to approval of any application submitted to the Department.

(f) An employee of the school must be available to furnish information of operation or to produce necessary records or documents whenever requested by a member of the Department.

(g) The business office of the school cannot be operated entirely through a telephone answering service or telephone answering machine.

(h) However, the driver training school **or limited driver training school** telephone number may be answered in an off-site call center, which may answer calls to multiple schools provided that the call center is staffed between the hours of 10:00 a.m. and 4:00 p.m. on weekdays, federal and state holidays excepted, and provided that the call center staff must be able to answer inquiries, furnish information, and schedule students for classes. The ~~driving training~~ school shall be responsible for notifying the Department of those times during which the

business office will be closed for lunch or vacation and of the regularly scheduled hours of operation of the business office.

(i) The owner or operator of a school or designated representative of a secondary school will be permitted to list his or her residence telephone number in any advertisement or on business cards provided such listing specifically states that such number may be called after a designated hour. The provisions of (i) will not apply for secondary schools without the written approval of the Principal, School Superintendent or Board of Education.

**EXAMPLE:** If the residence telephone number of the owner or operator is 224-4444, the advertisement must read, 'Call 244-4444 after 6:00 p.m.'

(j) Any driver training school **and/or limited driver training school** may use a telephone number answering service in connection with the school; however, such service must be secondary to the operation of the school and shall be used only when there is no one in the school office to answer the phone.

(k) An employee of the driving training school **and/or limited driver training school** must be available during the hours of 10:30 to 5:00 p.m. to furnish information of operation, verify attendance to a class, or to produce the necessary records or documents whenever requested by a member of the Department. The ~~driving training~~ school may close for a lunch hours at a set time upon notice to the Department of the scheduled lunch hour. Flexibility in the time may be observed as long as the school is open at least six (6) hours per day, at least three (3) hours of which must fall within the period of 10:30 a.m. to 5:00 p.m.

(l) An 800 number or other telephone number may be answered at the principal office provided it is a toll-free call from the county where the classroom is located.

(m) Any school or classroom facility utilized for or approved for the purposes of a driver training school **and/or limited driver training school** shall comply with the requirements set forth by the Americans with Disabilities Act of 1990, before a permit or license is issued. The owner shall certify to the Department that the facility complies with the Act and its implementing regulations.

(n) Virtual driver training school shall furnish to the department upon request reports of all students attending the virtual program. Reports must be in the prescribed format of the department.

**(o) Virtual driver training school must provide a "student help desk" for technical support.**

Authority: O.C.G.A. §§43-13-4, 43-13-8.

- Paragraphs 1, 2, 2(h), 2(j), 2(k), 2(m) adding language for limited driver training school
- 1(b) changing name of Georgia Department of Motor Vehicle Safety to Georgia Department of Driver Services
- Adding (o) indicating that virtual driver training schools must provide a student help desk

- **375-5-2-.12 Name of School.**

(1) No driver training school **and/or limited driver training school** will be permitted to use, adopt, or conduct any business under any name that is like, or deceptively similar to any name used by any other driver training school without the prior approval of the Department. This provision will not be applied to restrict the use of trade names where the holder of the trade name is the party making the request.

(2) A driver training school **and/or limited driver training school** shall not use the word "State" in any part of the school name.

Authority: O.C.G.A. §43-13-8.

- **Adding language for limited driver training school**



**375-5-2-.13 Driver Training School Advertising. Amended.**

- (1) No person or entity shall advertise for students to engage in driver license training or limited driver training school for the purpose of assisting such persons to obtain a Class C or Class M drivers license or provide testing for a driver's license in any manner until such time as the school is properly licensed by the Department.
- (2) No person or entity may advertise a driver training school, limited driver training school or the business of giving instructions for hire in assisting persons to meet the requirements for licensed driving of Class C or Class M motor vehicles or the business of preparing an applicant for a driver's license of any kind unless licensed by the Department as a driver training school and/or limited driver training school.
- (3) No driver training school licensed as a driver training school, limited driver training school or driver training instructor may advertise or represent themselves to be an agent or employee of the Department, nor shall any individual, partnership, association, or corporation purchase, use, allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of the ~~Department of Motor Vehicle Safety~~ Department of Driver Services.
- (4) Each driver training school and/or limited driver training school shall use only its licensed name for advertising and advertisements, and no driver training school and/or limited driver training school may use less than its full name or another name in any advertisement. This provision will not be applied to restrict the use of trade names where the holder of the trade name is the party making the request.
- (5) No driver training school, limited driver training school or driver training instructor shall, by any advertisement or otherwise, state or imply directly or indirectly that any license to operate a motor vehicle is guaranteed or assured to any student or individual who will take or complete any instruction or course of instruction or enroll or otherwise receive instruction in any ~~driver training school~~.
- (6) A driver training school and/or limited driver training school that is licensed by the Department may indicate in its advertisements that it is "licensed by the State" or "State licensed," however, no ~~driver training school~~ may use any advertisement that states or implies any of the following:
- (a) That the school is approved or endorsed by the State or the Department.
  - (b) The school is certified by the State or the Department.
  - (c) The school is recognized by the State or the Department.
  - (d) The school is anything but inspected and licensed by the State.
- (7) No driver training school or limited driver training school may advertise or imply that free lessons will be given to individuals who fail the State examination for a driver license. Driver training schools and/or limited driver training school may state that, "IF A STUDENT FAILS TO PASS A STATE EXAMINATION, FURTHER INSTRUCTIONS WILL BE GIVEN AT NO

ADDITIONAL COST," provided the statement is true and provided the school indicates the maximum number of lessons available to such students.

(8) No driver training school **and/or limited driver training school** may advertise or imply that free lessons will be given to individuals or students unless the lessons are in fact offered or given without any monetary considerations.

(9) No driver training school **and/or limited driver training school** may make any false or misleading claim or statement in any of its advertisements.

Authority: O.C.G.A. §43-13-8.

- Paragraph 1 through 7 providing language for a limited driver training school
- Paragraph 2 changing Department of Motor Vehicle Safety to Department of Driver Services

**375-5-2-.14 Responsibility for Employees. Amended.**

(1) No driver training school **or limited driver training school** shall employ or otherwise engage any individual to give classroom instruction or behind the wheel instruction unless the individual has a valid current driver training instructor's license issued by the Department for that specific school.

(a) It shall be the duty and responsibility of each driver training school owner, **limited driver training school owner** or secondary school designated representative to ensure all instructors associated with their school have met all requirements for licensure and have in their possession a valid instructor's license.

(b) It shall be the duty of the driver training school owner, **limited driver training school owner** or secondary school designated representative and/or the instructor to ensure that all students who attend are on time for all sessions of the course, maintain correct deportment while on the premises of the school, and that all student rescheduling for missed sessions are completed within six (6) months. If courses are being taught via distance learning, this authority may be delegated to a proctor if a licensed instructor is not on site at the distance-learning site.

(2) Qualified and recognized experts in the fields of driver education, driver training, traffic regulation or motor vehicle safety may give occasional classroom lectures without having a driver training instructor's license. Schools must provide the Department with a list of such experts in advance at least once a quarter.

(3) Each driver-training instructor or proctor employed by or associated with any driver training school shall be deemed an agent of the school and the school shall share the responsibility for all acts performed by the instructor or proctor which are within the scope of his or her employment and which occur during the course of his or her employment.

(4) If a licensed instructor leaves the employment of or otherwise terminates his association with any driver training school **or limited driver training school** the school shall immediately notify the Department, in writing. Said notice shall contain the following information:

- (a) The name, address, and license number of the school;
- (b) The name, address, and license number of the instructor;
- (c) The date of and reason for the termination date of his/her employment.

(5) The instructor or **driver training** school owner or secondary school representative shall furnish each student who successfully completes a Driver Training thirty (30) hours of classroom and six (6) hours of actual behind the wheel training preparatory course offered to assist persons to meet the requirements for licensed driving of Class C or Class M motor vehicles in this state, a Certificate of Completion prescribed by the Department.

Authority: O.C.G.A. § 43-13-8.

- Adding language for limited driver training school and in paragraph (5) for clarification adding the wording driver training

**375-5-2-.15 Procedures for Records and Contracts. Amended.**

(1) Every driver training school **and/or limited driver training school** shall maintain, **if required,** the following records which shall be available for inspection by the Department during normal business hours. Normal business hours shall be 10:30 a.m. to 5:00 p.m. daily. Flexibility in the time may be observed as long as the school is open at least six (6) hours per day, at least three (3) hours of which must fall within the period of 10:30 a.m. to 5:00 p.m.

(a) A daily log of all classroom instruction and on the road hours shall be maintained for each student. Such log shall include: observation time, actual driving time, student name, instructor name, the license plate of the vehicle used to conduct the actual driving instructions. Such log can be maintained electronically.

(b) A file containing the original or copy of every contract entered into by the school and its students for the purpose of obtaining any instructions relating to the operations of a motor vehicle or procedures to obtain a drivers license. A copy of the contract must be furnished to the student and the school thereof must retain the original or legible copy for a period of three (3) years.

(c) A roster of each class listing the school's number, name and address, the instructor's license number and the instructor's full name as it appears on the license, the student's name, date of birth.

(d) A schedule for all classes of instruction, giving the date and time of classes must be maintained in the records of the school for a period of three (3) years after the date on which the class was completed. The driver training school **or limited driver training school** shall furnish copies of the schedule to the Department on request.

(2) Contracts and receipts may be incorporated provided the combined document contains paragraphs a and b of Chapter XV, Contents of Contracts, of these Rules and Regulations.

Authority: O.C.G.A. § 43-13-8.

- Paragraph (1) adding language for limited driver training school and wording if required and language in (d) for limited driver training school

**375-5-2-.16 Contents of Contracts. Amended.**

(1) Every contract entered into by the school and another individual shall contain the following:

(a) An agreed contract price per hour of lesson or a total contract price for the number of hours of instruction to be given.

(b) Whether an additional charge will be made for the use of school's vehicle for the actual driving instruction, or for picking up a student or taking his/her to the desired destination upon completion of a lesson.

(2) No contract or agreement shall give the impression, directly or implied that upon completion of the course the student will receive a license to operate a motor vehicle.

(3) A sample contract is available from the Department.

(4) Duration of course or program, including the date and time the course or program is to be taught.

(5) A clause stating that each instructor is certified by the ~~Department of Motor Vehicle Safety~~ **Department of Driver Services**.

(6) A clause stating that the school is licensed by the ~~Department of Motor Vehicle Safety~~ **Department of Driver Services** in accordance with Title 43-13-1 (The Driver Training School and Commercial Driver Training School License Act) and the rules and regulations of the Department.

(7) The contracts must be pre-numbered.

(8) A clause stating that a performance bond in the principal sum of twenty-five hundred (\$2500.00) dollars has and will be maintained for the protection of the contractual rights of the students by an authorized bonding company.

(9) Breach of contract provision.

Authority: O.C.G.A. § 43-13-8.

- **Changing name from Department of Motor Vehicle Safety to Department of Driver Services**

### **375-5-2-.17 Program of Instruction. Amended.**

- (1) A driver training school licensed by the Department must have available, if requested by student, both theoretical and practical instruction regarding the operation of a motor vehicle.
- (2) The theoretical instruction shall be classroom instruction in specific areas of traffic safety to include subject matter relating to the rules and regulations of the road, safe driving practices, proper attitudes, pedestrian safety and driver responsibility that meets the standards set by the Department.
- (3) Practical instruction shall be behind the wheel experience and shall include demonstration and actual performance of stopping, starting, shifting (if straight shift), turning, backing, parallel parking and steering in a vehicle which meets the requirements of the Department. Behind the wheel means the actual time the student is behind the steering wheel driving or being instructed.
- (4) Questions prepared by the school for instructional purposes shall not be worded or constructed in the same manner as the questions used by the Department on its official driver examination.
- (5) All motorcycle training shall be conducted in accordance with the Board of Motor Vehicle Safety Motorcycle Safety Program established by the Georgia General Assembly provided for in Code Section 40-15-2 (Code 1981. Section 40-15-1, enacted by Ga. L. 1984, p. 644, Section 1; Ga. L. 1986, p. 181, Section 1.)
- (6) Any licensed driver training school may offer and teach a driver education program, commonly referred to as a 30 and 6 which means thirty (30) hours of classroom instruction and six (6) hours of behind the wheel training. A student enrolled in this program must receive a minimum of thirty (30) hours of classroom instruction and a minimum of six (6) hours of actual behind the wheel training. Simulator training will not substitute for the six (6) hours of actual behind the wheel training.
- (7) The student must pass a written test with a minimum grade of seventy (70) to successfully complete the course and receive a certificate of completion. In the event of excused absence, sickness, etc., the student shall be required to attend makeup classes for each hour not attended by the student.
- (8) Upon satisfactory completion of thirty (30) hours of classroom instruction and six (6) hours of behind the wheel training, the driver training school shall issue a certificate of completion. The certificate must include the name and address of the school, the student's name, the number of hours of instruction, the instructor's signature or the signature of a duly authorized employee of the school, and the date of completion. The certificates shall be numbered and a roster of each class listing each student's name, date of completion, instructor's name, and fee paid and certificate number will be kept by the driver training school.
- (9) All road training must include: city, streets and interstate driving.
- (10) Range training will not substitute for the six (6) hours of actual behind the wheel training.

**(11) Upon satisfactory completion of an approved course of instruction at a limited driver training school, the school shall issue a limited certificate of completion. The certificate must include the name and address of the school, the student's name, the number of hours of instruction, type of instruction, the instructor's signature or the signature of a duly authorized employee of the school, and the date of completion.**

Authority: O.C.G.A. §§40-15-2, 40-15-3; 43-13-8.

- Paragraph (6) providing clarification for instruction hour
- Paragraph 11 provides for a limited certificate of completion

### **375-5-2-.18 Insurance and Safety Requirements. Amended.**

- (1) Every vehicle used by a school for the purpose of driver training must be registered with the Department and a Vehicle Registration Card, issued by the Department, must be displayed conspicuously inside the vehicle at all times.
- (2) No vehicle registration card will be issued for any passenger type vehicle that is over seven (7) years old for on the road training. A passenger vehicle must have been inspected by a representative of the Department (except when a new vehicle with 3,000 miles or less is obtained from a licensed dealership and is certified by the dealership to be in a safe operating condition. Vehicle registration cards issued for a vehicle used for off road vehicle training will be marked FOR OFF-ROAD USE ONLY. Prior to the vehicle registration card being issued, the driver training school owner or designated secondary school representative must provide a notarized statement verifying that the vehicle to be used for driver training be in a safe operating condition.
- (3) The Department shall require vehicle safety inspections at least on an annual basis for each vehicle owned or operated by a driver training school **and/or limited driver training school**.
- (4) No school vehicle registration card will be issued unless the school has filed with the Department evidence of insurance by a company authorized to do business in Georgia in the amount of at least \$100,000.00 to cover bodily injury to, or death of, any one person in any one accident and subject to said limit for one person, to a limit of at least ~~\$200,000.00~~ **\$300,000.00** to cover bodily injury to, or death of any two or more persons in any one accident, and at least ~~\$20,000.00~~ **\$50,000.00** to cover destruction of property of others in any one accident. **Limited driver training schools offering classroom, virtual or simulator training only will not be required to obtain liability insurance as defined in O.C.G.A § 43-13-4.**
- (a) The school shall furnish evidence of such insurance, in the form of a certificate from the insurance company which shall stipulate that the Commissioner shall be notified when the policy expires or if it is canceled, and shall include the make, model, and vehicle identification number.
- (b) If the school is covered under a fleet policy and another vehicle is added to the fleet, the school should notify the Department that another vehicle (giving the make, model, and vehicle identification number) has been added so as to avoid the necessity of the insurance company furnishing the Department with another copy of the policy each time another vehicle is added to the school fleet.
- (5) Every passenger vehicle used by a school for practical driving instruction shall be equipped with the following special equipment.
  - (a) Extra brake pedal operable from the instructor's position.
  - (b) Extra clutch pedal, if the vehicle has conventional gearshift, operable from the instructor's position.
  - (c) Two outside rearview mirrors, one on either side of the vehicle and two inside rearview mirrors, one for the use of the student driver and one for the use of the driving instructor.
  - (d) Cushions for the proper seating of students when necessary.



(e) Sufficient stanchions or rubber cones of sufficient height to allow the instructor to prepare the student for the various maneuvers required of an applicant in the driving portion of the state licensing examination.

Authority: O.C.G.A. § 43-13-8.

- Paragraph (3) provides language for a limited driver training school
- Paragraph (4) new insurance requirements as defined in HB 1252 and provision that limited driver training schools offering programs that do not include behind the wheel will not be required to obtain liability insurance since no actual vehicles are involved in the training.

**375-5-2-.21 General Regulations. Amended.**

- (1) No license, or permit as provided for by the Georgia Driver Training School License Act will be issued to any applicant who has been convicted of any felony or any crime involving violence, dishonesty, deceit, fraud, indecency or moral turpitude unless such applicant has received a pardon and can produce evidence of such pardon to the Department. When requested, each applicant will furnish a copy of the disposition of any case. For the purposes of this subparagraph, a plea of nolo contendere shall be considered a conviction. For the purposes of this subparagraph, a conviction for which a person has been free from custody and free from supervision for at least ten years will not be considered, unless the conviction is for an offense which is a sexually violent offense as defined in O.C.G.A. §42-1-12(7) or the criminal offense was committed against a victim who was a minor at the time of the offense.
- (2) No employee of the Department, nor any employee's spouse, dependent child, dependent stepchild, or dependent adopted child shall be an owner, operator, instructor or employee in any State approved driver training school program.
- (3) The school shall agree to permit the Department to inspect the school and all records or documents pertaining thereto during normal business hours, and the Department shall have the right and privilege of reproducing such records or documents, as it deems necessary. Normal business hours shall be 10:30 a.m. to 5:00 p.m. daily. Flexibility in the time may be observed as long as the school is open at least six (6) hours per day, at least three (3) hours of which must fall within the period of 10:30 a.m. to 5:00 p.m. Except when a secondary school is licensed as a driver training school **or limited driver training school** and provides driver training to students other than during normal business hours of the school business office.
- (4) The school must exhibit on each motor vehicle registered by the Department for the purpose of driver instruction a sign identifying the school by name. This identification may be painted or displayed by decal on the front, side or rear of the vehicle, in clearly legible block letters not less than two (2) inches in size. Any such decal may be permanently affixed or removable and detached when the vehicle is not used for driving instruction. If the identification is not painted on the rear or sides of the vehicle, a portable sign must be attached securely to the rear bumper or to the top of the vehicle so that it is visible from the rear, provided that such sign conforms to the above requirements.
- (5) A sign must be visible from the rear of the vehicle in clear legible block letters not less than two (2) inches in size with the words STUDENT DRIVER, unless a rear decal or portable sign on the rear bumper or vehicle roof includes the term "Driving School" or "Driver Education" or "Student Driver" and such term is clearly visible from the rear of the vehicle.
- (6) An owner, instructor, employee, or agent of a driver training school **and/or limited driver training school** shall not imply, directly or indirectly, to a student that his driver license will be obtained upon the completion of a course of driving instruction by the school.
- (7) It shall be the duty and responsibility of the driver training school, **limited driver training school instructor**, or its instructor or agent, to ensure that an unlicensed student meets the vision requirements set forth in Georgia law before any on-street driving instruction is initiated.

- (8) No person shall perform any instructional duties as an owner or employee of any ~~commercial~~ driver training school **and/or limited driver training school** or branch thereof unless such person shall meet the qualifications for an instructor as herein provided, and all instructional personnel must possess a valid instructor's license issued by the Department.
- (9) The instructor's license and the vehicle registration card issued by the Department must be carried in the school vehicle at all times whenever driving instructions are being given.
- (10) No driver training school **or limited driver training school** owner, instructor, employee or agent will be permitted to loiter in or on the premises maintained by the Department for the purpose of administering driver license examinations or issuing driver licenses. "Loitering", for the purposes of this subparagraph, shall include a driver training school instructor, employee, or agent remaining or wandering around the Department's premises for the purpose of soliciting business.
- (11) No driver training school **or limited driver training school** owner, instructor, employee or agent will be permitted to solicit any individual for the purpose of enrolling such person in any course or service of the school while on the premises or in any office or facility of the Department.
- (12) No driver training school **or limited driver training school** instructor, employee or agent will be permitted to use the premises or any office or facility maintained by the Department to give driving instructions to any student.
- (13) No driver training school instructor, employee or agent shall be attired in any uniform or clothing which would give the appearance of being a member or employee of the Department.
- (14) Whenever any school or branch thereof shall be discontinued for any reason, the license of such school or branch shall be surrendered to the Department within ten (10) days of the permanent closing of the facility.
- (15) Whenever any employee licensed by the Department is separated from such school for any reason, the school shall notify the Department within (10) days in writing of such separation, giving the name, license number, if applicable, and date of such separation.
- (16) No driver training school **or limited driver training school** may sell, transfer, exchange, trade or otherwise dispose of any contract, part of a contract, agreement or obligation by or between any school and any student or instructor unless the school has obtained the written consent of the student.
- (17) No student may sell, transfer, exchange, trade, or otherwise dispose of any contract, part of a contract, agreement or obligation by or between the school and any student and/or instructor, unless the student has obtained the written consent of the school.
- (18) Any driver training schools must provide classroom, and road training and have proper equipment available for the students.

Authority O.C.G.A. §§40-5-21, 43-13-4, 43-13-5, 43-13-8.

- Provides language for a limited driver training school

**375-5-2-.22 Suspension or Revocation of License. Amended.**

(1) The Department may suspend, revoke, or cancel the license of any driver training school, **limited driver training school** or any licensed instructor, employee or agent thereof for a violation of laws or rules or regulations pertaining to the operation of driver training school after ten (10) days written notice in advance of the time and date of a scheduled hearing at which time such driver training school or licensed instructor shall be allowed to show cause, why such proposed action should not be taken.

(2) Actions which may lead to the suspension, revocation or cancellation of a license, certificate or permit shall include but not be limited to the following:

(a) Any conviction for a felony or any crime involving violence, or a crime of moral turpitude, or a pattern of misdemeanors that evidences a disregard for the law unless the applicant has received a pardon and can produce evidence of the same. For the purposes of this subparagraph, a plea of nolo contendere shall be considered a conviction. For the purposes of this subparagraph, a conviction for which a person has been free from custody and free from supervision for at least ten years will not be considered, unless the conviction is for an offense which is a sexually violent offense as defined in O.C.G.A. §42-1-12(7) or the criminal offense was committed against a victim who was a minor at the time of the offense.

(b) Knowingly presenting false or misleading information to the Department.

(c) Addiction or habitual use of alcohol, dangerous or narcotic drugs.

(d) The failure of any instructor to teach within the guidelines as prescribed in the rules and regulations or who demonstrates a lack of ability to instruct in a driver training school.

(e) Failure or refusal to permit the Department to inspect a school, its class of instruction, records, vehicles, or any operation or facility pertaining to the school during normal business hours.

(f) Failure or refusal to submit to the Department any application for a license, or permit in the manner prescribed by the Department.

(g) Failure or refusal to produce a license or permit on demand of a prospective student, the Department, or any constituted law enforcement official or agency.

(h) Failure to maintain proper standards of instruction, instructors, or equipment sufficient to operate a driver training school **or limited driver training school**.

(i) Employing an instructor, teacher or agent that does not have a license from the Department.

(j) Any change of ownership or controlling stockholders of a school without immediately notifying the Department.

(k) Whenever any owner, instructor, employee or agent has aided or assisted any person in obtaining a driver license by dishonest or fraudulent means.

(l) Whenever instructions to students are contrary to the restrictions imposed on the student's driver license.

(m) For unauthorized possession of application forms, questionnaires, tests, or other materials used by the Department for the purpose of conducting driver examinations or issuing driver licenses.

(n) Whenever any owner, instructor, employee, or agent has issued a certificate of completion or signed a contract stating the number of classroom hours and/or behind the wheel hours when the student did not, in fact, receive the number of hours stated.

(o) Failure of a driver training school **or limited driver training school** to maintain a telephone for the exclusive use of the school.

(p) If a person holds one or more license(s) as a driver training school owner **and/or limited driver training school** and/or-instructor and one is suspended, revoked, or canceled, this will be grounds in itself for all licenses issued to that person to be suspended, revoked, or canceled.

(3) A suspension, revocation, or cancellation of an instructor's license automatically terminates any employment relationship that the instructor may have established with other driving training schools.

(4) Any violation, which results in the suspension or revocation of the instructor's motor vehicle operator's license, will constitute grounds for the suspension of the instructor's license or permit.

(5) The driver training school **or limited driver training school** shall notify the Department immediately in writing of any reportable accident involving a school vehicle or any of its instructors, or of any charge made against an instructor of the school as a result of a violation of the motor vehicle laws.

(6) The Department may impose a monetary fine in addition to, or in lieu of, suspension or revocation of a license for any violation of Georgia law or the regulations governing driver training schools **and/or limited driver training schools**.

Authority: O.C.G.A. §§43-13-7, 43-13-8.

- Provides language for limited driver training schools

### **375-5-2-.23 Complaints.**

- (1) All complaints by any individual, partnership, group, corporation or association against any individual, partnership, group, corporation or association relating to driver training schools, **limited driver training schools**, driver training instructors, or these rules and regulations, must be in writing and signed by the complainant.
- (2) The Department or its authorized representative may ask the complainant to sign a sworn statement indicating the nature of the complaint and the identity of the complainant.
- (3) The acceptance or the use of any statement by the Department shall not be deemed an acknowledgement, admission or charge by the Department of the matters contained in the statement.

Authority: O.C.G.A. § 43-13-8.

- **Adding language for limited driver training schools**

### **375-5-2-.24 Contractual Bond Requirements.**

(1) No driver training school may operate in the State of Georgia unless it provides and files with the Department a continuous surety bond in the principal sum of two thousand five hundred dollars (\$2,500.00) for the protection of the contractual rights of students, written by a company authorized to do business in the State of Georgia.

(2) A driver training school may submit an individual surety bond in the amount of \$2,500.00 or, if more than one school shares common ownership, or secondary schools located in the same county, submit a surety bond providing coverage in the amount of \$2,500.00 per location (i.e., for ten schools, a surety bond in the amount of \$25,000.00). If this option is elected the certificate must clearly demonstrate coverage for each school for which coverage is to be provided.

(3) The school shall submit to the Department the contract, or specimen thereof, the obligations of which are guaranteed by the bond.

(4) The surety on any such bond may cancel the bond providing thirty (30) days' written notice to the Department.

**(5) If at any time said surety bond is not valid and in force, the license of the school of program shall be deemed suspended by operation of law until a valid surety company bond is again in force.**

Authority: O.C.G.A. §§43-13-4, 43-13-8.

- Adding paragraph (5) language regarding surety bond per requirement of HB 1252

### **375-8-.02-.25 Notices**

Any proposed changes in these rules shall be required to be mailed or otherwise delivered to each driver training school **or limited driver training school** at least thirty (30) days in advance of the effective date of such proposed rule.

Authority: O.C.G.A. §43-13-8.

- **Adding provision for limited driver training school**



- 375-5-.02.26 Fines

(1) The Commissioner of the Department may impose an administrative fine not to exceed \$1,000 per violation against any driver training school **or limited driver training school** that fails to comply with the rules and regulations of the Department.

(a) Violations that are minor in nature as determined by the Department shall be punished only by a written reprimand unless the person, firm, or corporation fails to remedy the violation within thirty (30) days.

(b) Failure to remedy violations that are minor in nature within thirty (30) days may result in an administrative fine, not to exceed \$250.00.

(2) The Department shall issue, by U.S. Mail or personal service, a notice including the following information:

(a) A concise statement of violations and applicable statutes and regulations;

(b) A statement of the legal authority and jurisdiction under which the notice has been issued;

(c) A notice of amount claimed and notice of the maximum amount authorized pursuant to applicable statutory provisions;

(d) A statement regarding the driving training school **or limited driver training school's** right to pay the fine assessed or, within thirty (30) days of receipt of the notice, request a hearing to contest the imposition of the fines.

(e) Such notice shall be deemed received three (3) days after mailing.

(3) In the event that the driving training school **or limited driver training school** fails to request a hearing within thirty (30) days' receipt of the notice, any rights to an appeal and hearing shall be considered to have been waived; and the assessed fine shall become effective upon the expiration of the thirty (30) day notice period.

(4) A driving training school **and/or limited driver training school** may contest the imposition of a fine by submitting to the Department a written request for hearing within thirty (30) days' receipt of the notice, which should contain the following information:

(a) A case name and number;

(b) The complete name and address of the party filing the request;

(c) The name and address of counsel, if represented.

Upon receipt of a timely, properly filed request for a hearing, the Department will forward the request and all pertinent documents to the Georgia Office of State Administrative Hearings.

(5) The appeals and hearing procedure shall be in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act".

(6) If the driving training school **and/or limited driver training school** has exhausted all administrative remedies available and is aggrieved or adversely affected by the Commissioner's action, the driving training school **and/or limited driver training school** shall have the right of judicial review in accordance with Chapter 13 of Title 50 of the Official Code of Georgia Annotated.

Authority: O.C.G.A. §§44-13-8, 50-13-17, 50-13-19.

- **Adding language for limited driver training school**

### **375-5-02-.27 Third Party Tester Program Definitions**

- (1) Third Party Tester Program - A program authorized by the General Assembly in H. B. 1168 during the 2004 Legislative Session for the purpose of conducting a six (6) month pilot program for licensed driver training schools approved by the ~~Department of Motor Vehicle Safety~~ **Department of Driver Services** to administer an on the road test to students who successfully complete a thirty (30) hour of classroom instruction and six (6) hours of actual behind the wheel instruction.
- (2) Approved Road Course – A course approved by the ~~Department of Motor Vehicle Safety~~ **Department of Driver Services** for the purpose of conducting on the road testing by a licensed Driver Training School approved as a Third Party Tester.
- (3) Cancellation - A Tester or Examination's certification is terminated by the Department because of some error defect in the certification or because the Tester or Examiner is no longer entitled to such certification. The cancellation of certification is without prejudice, and application for a new certification may be made at any time after such cancellation.
- (4) Examiner - Any natural person, not an employee of the ~~Department of Motor Vehicle Safety~~ **Department Of Driver Services**, who is certified by the Department as a Third Party Examiner to administer Driver's License testing through a Third Party Tester at an approved Driver Training School.
- (5) Monitor - ~~Department of Motor Vehicle Safety~~ **Department of Driver Services** employee responsible for conducting random examinations, inspections and audits of Third Party Testers and Examiners for compliance with state laws and regulations. Random examinations may be performed by a Monitor or at a Department Customer Service Center.
- (6) Revocation - A Tester or Examiner's certification is terminated by formal action of the Department which privilege shall not be subject to renewal or restoration, except that an application for a new license may be presented to and acted upon by the Department after the expiration of the applicable period of time prescribed by the Department. A revocation shall be for a period of at least one (1) year or indefinitely.
- (7) Suspension - A Tester or Examination's certification is temporarily withdrawn by formal action of the Department, which temporary withdrawal shall be for a period specifically designated by the Department.
- (8) Tester - Any licensed driver training school that has been licensed to conduct driver's license testing through approved Third Party Examiners. The Driver Training School must have been licensed for a minimum of ~~one (1) year~~ **two (2) years** prior to applying as a Third Party Tester.
- **Changing Department of Motor Vehicle Safety to Department of Driver Services**
  - **Paragraph (8) changes to reflect language approved in HB 501 in the 2005 General Assembly**

### **375-5-.02-28 Minimum Requirements for Examiners.**

- (1) Must be trained and certified to conduct skills testing for issuance of driver's license by the Department or its authorized representatives and comply with the following;
  - (a) Must have a high school diploma or its equivalent.
  - (b) Be a regular employee of the driver training school and recommended by the school or secondary school designee.
  - (c) Shall not be a convicted felon.
  - (d) Shall not have been convicted of any serious moving violation as defined Title 40 within three (3) years prior to application.
  - (e) Shall not have been enrolled or participated in a state approved Risk Reduction Program.
  - (f) Must be qualified as a Motor Vehicle Operator ~~with a~~ **and must have held** a valid instructor license **for a minimum of two (2) years prior to application for Third Party Examiner.**
  - (g) Must successfully complete the Department's prescribed course in driver's license classroom instruction and behind the wheel examination.
  - (h) Must pass all knowledge tests on the first day of the training session.
  - (j) Upon completion of specialized training administered by the Department or its authorized representative, the Examiner will be issued a certification card qualifying them to examine applicants for skills in license classes equal to their training certification.
  - (k) Must possess a current and valid certification identification card with photograph that shall be evidence of the Examiner's certification status.
- (2) Examiner applicants shall be issued a certification identification card upon completion of the Department's driver's license course. These cards shall expire two (2) years from the date of issuance and must be renewed biannually thereafter, except, the certification card will expire with the termination of the pilot program if such program is not continued or approved on a permanent basis.
- (3) An Examiner whose certification has expired or driver training school license has expired, shall not administer any part of the driver examination until completion of one of the following:
  - (a) An Examiner with expired certification may be recertified within one (1) years after expiration by performing an examination to the satisfaction of the Department.
  - (b) If more than one (1) years has lapsed since expiration, the Examiner must successfully complete the Department's prescribed course in classroom instruction and behind the wheel examination for recertification.

(4) Must conduct at least ten (10) tests per calendar year. Failure to do so will result in suspension from conducting further driver's license tests.

- **Adding language to require instructors must have held an instructor license for two (2) years in order to be consistent with school requirements**

- **375-5-.02.29 Minimum Requirements for Testers.**

- (1) Must ~~be employed by a licensed~~ **have held a** Driver Training School **license for a minimum of two (2) years.**
  - (a) Must have vehicles registered with the Department for the purpose of conducting training and/or testing.
  - (b) Must maintain adequate driver records reflecting the driver history of each Examiner.
  - (c) Must enter into a Driver's License Third Party Tester Agreement with the Department.
  - (d) Agree to have the Third Party Tester Program monitored by the Department.
  - (e) The skills test plan must be approved by an authorized member of the Department prior to being used.
- (2) Shall ensure that Examiners submit to the Department Program Manager or Monitor a testing schedule for all testing to be conducted. This schedule will be submitted and received on Friday prior to the week of testing. A 24-hour notice will be given for cancellation. The Program Manager or Monitor may approve changes in schedule as necessary. Testing at times and dates not submitted on the schedule or Department approved changes will violate the agreement between the Tester and the Department.
- (3) Must ensure that all examiners employed by the Tester are certified by the Department and that the Examiners comply with the Department Rules and Regulations, all applicable state laws and Department instructions.
- (4) Test Administration
  - (a) Skill tests will be conducted strictly in accordance with policy used by the Department Examiners. Such instruction may include information on skills test content, route selection/revision, test forms, Examiner procedures, and administration procedures and/or changes.
  - (b) Skills tests shall be conducted:
    - (i) On test routes approved by the Department.
    - (ii) In a vehicle representative of the class and type of vehicle for which the applicant seeks to be certified and for which the Examiner is qualified to test.
    - (iii) Using the Department approved content, forms, and scoring procedures.
    - (iv) Only on approved days of the week during daylight hours only. During the pilot program examiners will be limited to no more than two (2) testing days per week.
- (5) Only students who have successfully completed a thirty (30) hour classroom and six (6) hours of behind the wheel training at a licensed driver training school with approval from the Department may be tested.

(6) Examiners must complete each test before beginning another test and may not start a test within one (1) hour of starting the previous test.

(7) Examiners shall not administer any part of the test unless the Examiner's certification identification card is current and valid and the Examiner is wearing or visibly displaying the card on the Examiner's person.

- **Adding language to require that driver training schools must be licensed for a minimum of two (2) years in order to qualify as a third party tester per HB 501 (2005)**

- **375-5-.02-30 Record Requirements for Tester:**

(1) Licensed Driver Training Schools authorized to conduct on the road skills tests under the Third Party Program shall maintain the following records for the Third Party Examiner file:

(a) A copy of each Examiner's current certification identification card with photograph.

(b) A copy of Examiner's MVR (current update, a minimum of once per year).

(c) Examiner and Tester Certifications must be displayed.

(d) Tester must maintain these records for the previous two (2) years and for the current year.

(e) Tester must maintain these records on an Examiner for at least two (2) years after that Examiner leaves the Tester's employment.

(2) Records shall be maintained for Driver examination applicants tested:

(a) A copy of the ~~DMVS~~ **DDS** prescribed score sheet on each ~~application~~ **applicant** tested (passing or failing copies with the applicant's actual score).

(b) A copy of the ~~DMVS~~ **DDS** letter of authorization for testing from the Department; or a current MVR (three months minimum) and current physical.

- Changing DMVS to DDS, correction in (a) above changed application to applicant